

## CHAPTER 367

### TOWN OFFICERS

367.03 Officers elected at annual election;  
vacancies.  
367.33 Option A; election of additional  
supervisors.

367.41 Constables and peace officer licensing  
requirements; deputy constables,  
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#### 367.03 OFFICERS ELECTED AT ANNUAL ELECTION; VACANCIES.

**Subdivision 1. Officers, terms.** Except in towns operating under option A, there shall be elected in each town three supervisors as provided in this section. Where a new town has been or may be organized and supervisors have been or may be elected for such town at a town meeting prior to the annual town election, such supervisors shall serve only until the next annual town election at which election three supervisors shall be elected, one for three years, one for two years, and one for one year, so that the term of one shall expire each year. The number of years for which each is elected shall be indicated on the ballot. At all other annual town elections one supervisor shall be elected for three years to fill the place of the one whose term expires at that time. Except in towns operating under either option B or option D, or both, there shall be elected at the annual town election held in even-numbered years one town clerk, and at the annual town election held in odd-numbered years one town treasurer. The clerk and treasurer each shall serve for a term of two years and until their successors are elected and qualified.

**Subd. 2. Vacancies.** When a vacancy occurs in a town office, the town board shall fill the vacancy by appointment. The person appointed shall hold office until the next annual town election, when a successor shall be elected to hold office for the unexpired term. A vacancy in the office of supervisor shall be filled by the remaining supervisors and the town clerk until the next annual town election, when a successor shall be elected to hold for the unexpired term. When, because of a vacancy, more than one supervisor is to be chosen at the same election, candidates for the offices of supervisor shall file for one of the specific terms being filled. Law enforcement vacancies shall be filled by appointment by the town board.

**Subd. 3. Constables.** The town, by majority vote at its annual town meeting, may decide to authorize the town board to appoint three or less law enforcement officers. The positions may be filled by any combination of (a) peace officers, (b) constables, or (c) deputy constables. The board of supervisors shall notify the board of peace officer standards and training in writing at least 14 days before the first day of employment of a peace officer, constable, or deputy constable. In the event no law enforcement official is appointed, the duties of a constable described by law may be delegated to any person so appointed by the board of supervisors setting forth such compensation as the board of supervisors shall deem reasonable.

**History:** 1987 c 90 s 6

#### 367.33 OPTION A; ELECTION OF ADDITIONAL SUPERVISORS.

**Subdivision 1. Election at annual election or special election.** Following the adoption of option A in a town, except a town exercising the powers of a statutory city, the town board may call a special town election to be held not less than 30 days nor more than 60 days after the annual town meeting at which the option is adopted, for the purpose of electing two additional members to the board of supervisors. In lieu of calling a special election, the town board may determine to elect the additional two members of the town board at the next annual town election. If the town is exercising the powers of a statutory city pursuant to section 368.01 or pursuant to a special law granting substantially similar powers, the town board shall call a special election to be held not less than 30 days nor more than 60 days after the annual meeting at which option A is adopted for the purpose of electing the two additional supervisors.

*[For text of subds 2 and 3, see M.S.1986]*

**Subd. 4. Terms.** If the additional supervisors are elected at a special election, they shall serve only until the next annual town election, at which the additional members shall stand for election, one for a term of two years and one for a term of three years. The candidate receiving the highest number of votes shall be elected for the longer term. If the additional supervisors are elected at an annual election, one shall serve for a term of two years and the other for a term of three years with the candidate receiving the highest number of votes being elected for the longer term.

**Subd. 5. Abandonment of option A.** In a town in which option A is abandoned, the terms of incumbent supervisors shall not be affected, but if one or more supervisors are to be elected at the annual town election held on the same day as the annual town meeting at which the option is abandoned, the election of one supervisor, or two if there be more than one elected, shall be considered null. Otherwise the offices of the two incumbent supervisors expiring at the annual town election or elections next following the annual meeting at which the option is abandoned shall not be filled. Thereafter the town board shall be composed of three supervisors unless option A is again adopted in that town.

**History:** 1987 c 90 s 7-9

#### **367.41 CONSTABLES AND PEACE OFFICER LICENSING REQUIREMENTS; DEPUTY CONSTABLES, REQUIREMENTS.**

**Subdivision 1.** Notwithstanding any general or local law or charter to the contrary, a constable employed on or after March 23, 1982, by a political subdivision is not eligible for permanent appointment without being licensed by the board of peace officer standards and training under section 626.8463.

*[For text of subds 4 and 5, see M.S.1986]*

**History:** 1987 c 334 s 3